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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,426	07/22/2003	Makoto Utsumi	FUJI:266	6435
ROSSI & ASSOCIATES P.O. Box 826 Ashburn, VA 20146-0826			EXAMINER GARRETT, DAWN L	
			ART UNIT 1774	PAPER NUMBER
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,426

Applicant(s)

UTSUMI ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/04; 7/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 3, and 4 are objected to because of the following informalities:

Claims 1, 3, and 4 contain text that omits spacing between the words. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claim 1, it is unclear if each of the metallic film(s) and insulating film(s) require at least one of Si and Al and at least one of O and N or if this requirement of materials is only directed to the insulating film(s). For the purpose of examination, the examiner is interpreting that only the insulating film(s) of claim 1 requires at least one of Si and Al and at least one of O and N. Clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Kobayashi et al.

(JP 2001-052866 A). Kobayashi et al. discloses organic emitting elements comprising a fluorescence conversion filter (see title). The figure shows a transparent substrate (2) that reads upon the “transparent supporting substrate” (see figures and par. 44). Multiple filter layers are patterned onto the substrate (see figures and par. 44). The filter layers read upon the “color-converting/ filter layers”. The filter layers are comprised of fluorescent dyes such as coumarin in a resin (see par. 47). The thickness is 20 micrometers or less (see par. 29). The filter layers are coated with a UV hardened resin as a protective layer (3), which reads upon the “polymeric film layer” (see par. 50). The protective layer (3) is coated with an inorganic layer of SiO₂, which reads upon the insulating component of the “inorganic film layer” (see par. 50). A transparent indium tin oxide (ITO) anode layer is sputtered on top of the inorganic SiO₂ layer (see par. 52). The anode layer reads upon the metallic portion of the “inorganic film layer”. The anode layer further reads upon formation of a first electrode per instant claim 6. The device further comprises an organic luminous layer (8) and a cathode (10) per instant claim 6 (see par. 53-55).

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomiuchi et al.

(US 6,506,506). Tomiuchi discloses organic light-emitting devices comprising fluorescent color conversion filters (see title). The Tomiuchi device comprises a transparent substrate (5), color conversion film (1) (formed of a fluorescent dye in a matrix resin such as a photo-setting resin, see col. 9, lines 29-40), multiple filters (2)/(3)/(4), protective layer (6), inorganic layer (7) and an anode layer (8) (see Figure 2). The transparent substrate reads upon the “transparent supporting

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substrate”. The color conversion film/filter reads upon the “color-converting filter layers”. The protective layer (6) reads upon the “polymeric film layer” as it is comprised of resin (see col. 10, lines 22-32). The inorganic layer (7) reads upon the insulating film component of the “inorganic film layer”, because the insulating film comprises SiO₂ (see col. 10, lines 33-41). The anode layer (8) reads upon the metallic film component of the “inorganic film layer”. The anode layer is formed by sputtering transparent (ITO), indium tin oxide (see col. 13, lines 28-30). The fluorescent color conversion filters (i.e. (1) + (2) layers) have a thickness of 7 micrometers (see col. 13, line 2). Tomiuchi discloses a fluorescent color conversion layer may be used with each filter layer, although the conversion layer (1) is not shown with (3) and (4) in the figures (see col. 9, lines 49-53). The anode layer further reads upon formation of a first electrode per instant claim 6. The device further comprises an organic luminous layer (11) and a cathode (13) per instant claim 6 (see figure 2).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dawn Garrett
Primary Examiner
Art Unit 1774

March 16, 2005